

VILLAGE OF HEBRON  
VILLAGE BOARD MEETING  
JULY 20, 2020

President Martinez called the meeting to order at 7:00 p.m.

The meeting began with the Pledge of Allegiance.

Trustees Shepherd, Drevalas, Ritzert, Wagner, Lange, and Peterson, answered aye to roll call.

**Discussion and Vote to Approve minutes of June 15, 2020 Village Board Meeting**

Trustee Lange made a motion to approve the minutes of the June 15, 2020 Village Board meeting. Trustee Peterson seconded the motion. Trustees Lange, Peterson, Ritzert, Shepherd, Drevalas, and Wagner approved the motion by answering aye. Motion carried.

**Discussion and Vote to Approve June/July 2020 Accounts Payable**

Trustee Shepherd reported that there was an add-on of \$80 bringing the total due in accounts payable for the General Fund to \$13,799.25 and \$14,582.35 due in the Water/Sewer Fund accounts payable. The total due for accounts payable was \$28,461.60. Trustee Shepherd made a motion to approve the June/July accounts payable as presented. Trustee Lange seconded the motion. Trustee Shepherd, Lange, Drevalas, Ritzert, Wagner, and Peterson approved the motion by answering aye. Motion carried by all.

Discussion ensued regarding trucks going through town. Trustee Peterson had a question about permitting and directed her question to the police department. She asked if trucks that were coming from Wisconsin needed two permits, one from each state. Trustee Wagner stated that they must have a permit from both states and that they must abide by their route. Sergeant Gohmann agreed and added that if they deviate from their route it violates the permit. He continued to say that truck drivers can renew a permit online. Trustee Peterson asked if the trucks must be taken to the closest scale or use the Village portable scale. Sergeant Gohmann explained that they can use the portable scale, but not all trucks can be weighed by the Hebron scale. President Martinez stated that they must use the most direct route to get to the scale and can use township roads to do so. Resident Janet Ratajczak mentioned that the weight limit on one of the Hebron signs needs to be updated. She will send an email regarding this to President Martinez. She also stated that she was concerned about the water mains on Prairie Avenue being damaged by trucks.

**President's Report**

President Martinez explained that she was elected to office in April of 2017. One week prior to her being sworn in the IEPA contacted her through the Village Clerk requesting a meeting. Trustee Shepherd and President Martinez made a day trip to Springfield for this meeting. Illinois State representative Pamela Althoff, George Roach, the Village auditor, and IEPA representatives were all present at the meeting. The meeting was regarding the \$4.7 million-dollar loan for the new water and sewer plant. The IEPA was calling on the Village loan in full. Senator Althoff went to bat for the Village asking for a partial loan forgiveness. IEPA stated that this would probably not be possible as the money came from EPA, but they would research it.

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They brought up the lack of principle payments by the Village and they wanted the loan brought to date immediately. In addition, they were going to audit our water billing schedule and charges. They appeared to be steadfast in wanting their money from the Village who had basically defaulted on the loan terms.

President Martinez told them that if they would not remodify the Village loan, the Village would hand over the keys to the IEPA and the water and sewer plant would be theirs. They responded that they had no interest in that and their preferred outcome was simply to have the loan payments back on schedule. They stated that they would contact EPA to see if the Village would be eligible for loan forgiveness. After much discussion and phone calls, it was determined that this was not possible as these were federal monies.

At the time, the loan balance was \$3,978,335 from the original loan of \$4,707,802 in 2017. In eleven years, the Village had only made ten out of the twenty-four scheduled payments, with most of them interest only. Early in 2018, an agreement on modification was reached, lowering the interest from 2.5 percent down to 1 percent. On a loan of this size, the interest rate decrease would literally save hundreds of thousand dollars. Billing would now take place twice yearly, in March and September and ten years would be added to the payment schedule to make it manageable.

In February of 2018, the IEPA requested one more interest only payment of \$50,000 before they would sign the agreement. President Martinez refused and stated that the Village would make their first on-time payment in years. They agreed.

The audit had now been completed and the Village was notified by IEPA that the part of the original loan, which included IEPA required once-yearly, mandatory scheduled water billing increase of 5 percent up through and including January of 2020, would not be extended as a requirement with the modification. Another original requirement was a debt service charge of \$5.04 for each 100 cubic feet of water used. Though mandatory through the original loan and part of the Village ordinance, this fee had never been charged. This was rectified immediately. Once the loan is paid, this fee can be permanently removed and will be. Other mandates included new water meters and monthly billing as opposed to quarterly.

Since the modification, all payments have been on time and the Village loan is down to \$3,496,931, paying down \$481,404 in principal.

President also reported that the next matter for review was the protection and maintenance of the Village water/sewer lines and the manhole covers which run under state routes 47 and 173. She pointed out that most of these water/sewer lines are 50 plus years old and warned that it is only a matter of time before this infrastructure fails. She stated that while the Village has done maintenance planning, the unexpected can and does occur. She cautioned those that live outside the Village limits and have complained about traffic enforcement along these two routes and that

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the infrastructure under these roads is paid for solely by the residents of the Village of Hebron. She continued by reporting that the last infrastructure repair under a Village state route cost the Village \$33,909. This infrastructure fails from wear and tear resulting in damage caused by overweight vehicles. When a manhole cover sinks, it must be raised at a cost of \$3,000 each. Sinking manholes can cause significant damage to vehicles. She closed by stating the infrastructure maintenance is a heavy cost to the Village and she welcomes sharing these costs with residents outside of the Village of Hebron.

Lastly, President Martinez gave an update on the proposed parking lot on Maple Avenue and Illinois Street. She stated that they are waiting for final numbers, but it appears that the Village may have to put this out for bid. She is hoping to have something ready by the August Village Board Meeting.

**Public Comment**

*Zeke Nichols, Township Highway Commissioner*, stated that on July 9, 2020 the Village of Hebron Police Department escorted a 100,000-pound truck to the scales using township roads. He said that he contacted the Illinois State Police and they stated that they were aware of this problem in Hebron. He questioned why the Village of Hebron police officers are disregarding the township road weight limits. He would like to see open communication with the township and the Village of Hebron.

President Martinez stated that law enforcement can use these roads to take trucks to the scales as they must take the most direct route. She stated that she did discuss this with McHenry County Sheriff Prim's office. She also stated that individuals must never interfere with law enforcement when they have someone pulled over. She said that they should call the Chief of Police with a complaint instead.

*Janet Ratajczak, 9936 Main Street*, stated that food service establishments must provide for parking and she questioned where Hart's Saloon's new proposal will offer parking. She is concerned about the additional noise and proposed that they do a rooftop addition instead of putting it right next to her property. She added that they could then use the proposed site for additional parking. She directed the Board to look at her list of nine questions regarding this property. She stated that these types of structures have special requirements for providing power to them. She feels that it will be too close to other residents and that she is losing tenants over this issue. She asked the Board to consider not approving the addition to Hart's Saloon.

*Greg Giles, 6709 Giant Oaks Road*, began by verbally attacking a resident and he was asked to address the Board. He declined.

*Cory Kelly, Hart's Saloon Project Builder*, stated that the structure would have walls, plus a partial roof that would keep the noise in. He added that parking would be only seasonal and that there would not be any wires on the ground.

There were no more public comments.

**Discussion and Vote to Approve FY2020-2021 Appropriations Ordinance**

Treasurer Fotland explained that the appropriation ordinance was set at 10 percent above the budget. She added that this gives the Village legal authority to use money for special activities. Brad Stewart of Zukowski, Rogers, Flood and McArde confirmed that adding 10 percent gives the Village leeway for spending.

Trustee Lange made a motion to approve the FY2020-2021 Appropriations Ordinance as presented. Trustee Ritzert seconded the motion. Trustee Lange, Ritzert, Peterson, Wagner, Shepherd, and Drevalas approved the motion by answering aye. Motion carried by all.

**Discussion and Vote to Approve Charitable Raffle License for the Taylor Family**

President Martinez explained that the request for a raffle license was for the Taylor family and would be held at Hoop's Sports Bar and Grill on Saturday, July 25<sup>th</sup> at 4:00 p.m. She explained that chances will be sold for \$1.00 each. Trustee Wagner asked what it was for. Trustee Shepherd believes that it is a family dealing with illness. President Martinez suggested that the form be revised to be more specific.

Trustee Lange made a motion to approve the Charitable Raffle License for the Taylor Family. Trustee Wagner seconded the motion. Trustee Lange, Wagner, Shepherd, Drevalas, and Peterson approved the motion by answering aye. Trustee Ritzert abstained. Motion carried.

**Discussion and Vote to Approve Hart's Saloon Expansion Proposal**

President Martinez stated that storage containers are not allowed in the downtown district for their intended use being storage. She added that all Trustees received a proposal from Mr. Hart explaining his intentions of expanding his business. The Village has sewer lines running across the back of his property making it difficult to go into the ground without risk of damage to those lines. The solution that Mr. Hart is proposing is innovative by using shipping containers that are unique, esthetically pleasing, and practical. He is attempting to be a good neighbor by blocking guests' access to his neighbor, Prairie Avenue Antiques, therefore avoiding trespassing issues. The containers would be promptly removed if the Village needs to access the sewer lines. She added that this is one way to help a business stay afloat during the current situation with a pandemic.

Trustee Shepherd questioned whether this proposal should go before the Planning and Zoning Commission. He also expressed concerned about there being enough room regarding safety for emergency exits. President Martinez stated that it did not need to go before Planning and Zoning as these storage units were proposed to be used as a building and not for storage. She added that they needed to be approved by the Board because they are called storage containers. Dick Ackerman, Building Inspector, confirmed that there was enough room for emergency exits and fire hoses.

Trustee Ritzert stated that she felt these containers would be more attractive than what is there currently. She was concerned about parking until she became aware that Hart's had purchased the lot across the street for parking. Trustee Drevalas expressed concern over this proposal, she would like to see both businesses in question work together to come up with a plan that works for both and she would like to hold off on this issue. President Martinez stated that the Village cannot get involved in civil matters. Discussion ensued as to some of the issues involved between the owner of Hart's Saloon and Prairie Avenue Antiques.

Trustee Wagner would like to see the businesses work together and he stated he was in favor of the proposal. Trustee Peterson stated that she would like to see something new in the Village and she was also in favor. President Martinez added that the Village liquor license goes with the business when in different locations. Resident, Janet Ratajczak, questioned this stating that Harts has two different addresses and the state requires two different licenses in this instance. Brad Stewart confirmed that the state requires this, but the Village does not have to adhere to this.

Trustee Lange asked where they would get power from and Mr. Kelly confirmed that the power source would be from the existing garage using low voltage lighting. He added that the proposal would include a gate, which would be locked after hours. In addition, the construction would be fire safe as it is steel which, in turn, creates a barrier to aide in controlling patrons. The second tier will help with noise and half capacity requirements. Trustee Lange asked about the color scheme and Mr. Kelly stated that they purchase only the newer containers and use the colors available. They would be happy to paint them, however. Trustee Lange stated that he would be opposed to the use of multiple colors. Mr. Kelly responded to several questions from the Board stating that there will not be any windows other than at the opening, they may use a shade above for additional noise control, and they may use portable heaters during the fall months. President Martinez felt that there needs to be a time limit regarding entertainment, and she stated this will be addressed at the next Board meeting.

Trustee Peterson made a motion to approve Hart's Saloon expansion proposal, specifically to allow the use of shipping containers as building material, and with the conditions that: (1) colors must match the existing business; and (2) sound requirements to meet existing and future noise performance standards. Trustee Drevalas seconded the motion. Trustee Peterson, Drevalas, Lange, Wagner, Shepherd and Ritzert approved the motion by answering aye. Motion carried.

#### **Discussion and Vote to Approve an Accessory Building to 10112 Church Street**

President Martinez reported that the Village ordinance only allows for one accessory building per parcel. The zoning in the case before the Board is both R-4 and I-2. Dick Ackerman explained that there are five lots total and it is an odd property that has been this way for 100 years. The house is in the I-1 zoning, the garage is in R-4 zoning. The owner, Kurt Simoncic, stated that he is requesting to add 1000 feet on to the existing home and increase the size of the existing garage to have a place to store his antique tractors. He plans to make it pleasing to the eye and has conferred with Master Gardeners of McHenry County for assistance in the use native

plants on the property. Trustee Peterson asked if what is being stored outside currently will be stored in the garage at some point. Mr. Simoncic stated that he plans to clean up the property and get rid of most of it. Building Inspector Ackerman suggested the motion to make it non-conforming.

Trustee Shepherd made a motion to approve a non-conforming accessory building to 10112 Church Street. Trustee Ritzert seconded the motion. Trustee Shepherd, Ritzert, Peterson, Drevalas, Lange, and Wagner approved the motion by answering aye. Motion carried.

**Discussion and Vote to Approve Amending Ordinance to Section III, Benefits, of the Village's Personnel Rules and Regulation Manual**

President Martinez stated that the Village is clarifying that holiday pay, should an employee be forced to work on a holiday, be one and one-half (1.5) times the hours worked on the holiday. The Village is also clarifying compensatory time and wages if an employee calls in sick or fails to work either the day before or after a holiday. Discussion ensued.

Trustee Ritzert made a motion to approve amending ordinance to Section III, Benefits, of the Village's personnel rules and regulation manual. Trustee Shepherd seconded the motion. Trustee Shepherd, Ritzert, Peterson, Drevalas, Lange, and Wagner approved the motion by answering aye. Motion carried.

**Department Head Reports**

None

**Attorney Report**

None

**Board Comments**

Trustee Shepherd mentioned that perhaps the Village should post parking hour restrictions in the downtown area. President Martinez stated that this could be placed on the next agenda for discussion.

Trustee Wagner announced that this would be his last Board meeting as he and his wife sold their Hebron home and will be moving out of town. He was thanked for his service and was wished well in his new endeavors.

President Martinez reported that the Village Board meeting on August 3 will be canceled and the next Board meeting will be held on Monday, August 17, 2020.

Trustee Wagner made a motion to adjourn at 9:17 p.m. Trustee Shepherd seconded the motion. Motion carried by all voting aye.

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Jean Attermeier,  
Village Clerk



Kimmy Martinez,  
Village President